IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.1381 of 2006 (O&M)
Date of decision: December 12, 2006.

Court of its own motion

...**Petitioner(s)**

v.

Dheeraj Rastogi

...**Respondent(s)**

Present: Shri R.D. Sharma, Dy. Advocate General, Haryana.

Shri Akshay Bhan, Advocate for the respondent (contemner).

Surya Kant, J. (Oral)

As prayed for, documents Annexures A-1 to A-12 are taken on record. C.M. No.25225-CII of 2006 stands disposed of.

In CWP Nos.9341 and 9386 of 2006, Panchnamas dated 25.4.2006 and 26.4.2006 were impugned and a direction was sought for the release of the goods lying in the factory of the writ petitioners. Vide an interim order dated 15.6.2006, a Division Bench of this Court issued self-speaking interim and clear directions to release those goods subject, however, to the conditions which the Bench had imposed.

Though, it appears that there was no reluctance on the part of the authorities in releasing the goods in compliance to the interim directions issued by this court, however, an additional condition requiring the writ petitioners to furnish bank guarantee of 25% of the market value of the seized goods, was erroneously imposed. When the authorities realized that

such a condition could not have been imposed in the light of the interlocutory order passed by this Court, the same was withdrawn and the goods lying seized at the factory premises of the writ petitioners were released vide order dated 25.7.2006 subject, however, to the compliance of those conditions which this court had imposed vide order dated 15.6.2006.

The imposition of additional condition of requiring bank guarantee of 25% of the market value of the seized goods (which was later on withdrawn on 25.7.2006), has led to initiation of these *suo moto* contempt proceedings against the respondent.

In response to the show cause notice, an affidavit has been filed by Dhiraj Rastogi, Joint Director, Directorate of Revenue Intelligence, Ludhiana. He has taken pains to explain that the additional condition of requiring bank guarantee of 25% of the market value of the seized goods, was not imposed by him, rather it was under the directions/orders of the superior authorities. He has also highlighted the steps taken by him to ensure the compliance of the order dated 15.6.2006 passed by this court. In addition, the respondent has tendered unconditional and unqualified apology.

The respondent, who is present in person along with his learned counsel, further undertakes that in future he will be more careful and such kind of lapse would not be allowed to occur and the orders passed by a court of competent jurisdiction shall always be complied with at his level, without any delay or demur.

After hearing Learned Counsel for the parties and having regard to the fact that the interim order dated 15.6.2006 had already been complied with on 25.7.2006 and keeping in view the unconditional apology

tendered by the respondent, I an inclined to take a lenient view in the matter and do not deem it appropriate to continue with these proceedings which are accordingly dropped with a word of advice to the respondent to be more careful in future.

Disposed of.

Rule discharged.

December 12, 2006. [**Surya Kant**]
kadyan **Judge**